

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILD FISH CONSERVANCY, et al.,

Plaintiffs,

v.

NATIONAL PARK SERVICE, et al.,

Defendants.

CASE NO. C12-5109 BHS

ORDER DENYING PLAINTIFFS'  
MOTION FOR  
RECONSIDERATION

This matter comes before the Court on Plaintiffs Wild Fish Conservancy, Wild Steelhead Coalition, Federation of Flyfishers Steelhead Committee, and Wild Salmon Rivers d/b/a Conservation Angler's (collectively, "WFC") motion for reconsideration (Dkt. 55).

On June 27, 2012, the Court issued an order granting in part and denying in part the Federal Defendant's motion to dismiss. Dkt. 50. Relevant to the instant motion, the Court denied the motion to dismiss WFC's claims under the Endangered Species Act. *Id.*

On July 12, 2012, the Court denied as moot WFC's motion for determination regarding scope of review. On July 23, 2012, WFC filed a motion for reconsideration of the denial of its motion. Dkt. 55.

1 Motions for reconsideration are governed by Local Rule CR 7(h), which provides  
2 as follows:

3 Motions for reconsideration are disfavored. The court will ordinarily  
4 deny such motions in the absence of a showing of manifest error in the  
5 prior ruling or a showing of new facts or legal authority which could not  
6 have been brought to its attention earlier with reasonable diligence.

7 Local Rule CR 7(h)(1).

8 In this case, WFC fails to meet either burden under the applicable standard.  
9 Instead, WFC argues that the parties continue to dispute the scope of review for the case.  
10 Dkt. 55. Based on the record and the applicable law, there should be no dispute. There is  
11 no order exempting any party from required discovery. If a party refuses to respond to  
12 discovery, then sanctions may follow unless the refusal is substantially justified or based  
13 upon other excusable circumstances. Both of WFC's motions are premature and  
14 unnecessary. Therefore, WFC's motion for reconsideration is denied.

15 Dated this 24<sup>th</sup> day of July, 2012.

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17 BENJAMIN H. SETTLE  
18 United States District Judge  
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